

REMARKS

This amendment is responsive to the Final Office Action dated February 21, 2007 and received in this patent application. In the amendment, claim 8 has been amended and claims 1, 3-6 and 8-11 remain pending in the application. Reconsideration and allowance of the pending claims is respectfully requested.

Applicant notes that these amendments do not raise new issues for the purposes of prompting a potential Advisory Action denying entry of the amendment, as the amendments are merely introduced to obviate the non-statutory subject matter rejection and clearly place the application in condition for allowance.

Claims 8-11 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claim 8 has been amended and now positively recites generating three dimensional shape data for an object. Applicant submits that the three dimensional shape data of an object is, *in and of itself*, a useful, tangible and concrete result. In any event, it is also noted that the three dimensional shape data of the object provides useful, tangible and concrete results because such provides a measurement of the three dimensional shape of the object, a feature that is also positively recited in the preamble of the claim. The claim therefore clearly recites statutory subject matter.

Dependent claims 9-11 respectively incorporate the features recited in claim 8, as well as their separately recited patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 8-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The Examiner is authorized to contact the undersigned representative if it is believed that such contact might expedite or further prosecution of this application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, from which the undersigned is authorized to draw, under Order No. SON-2898.

Dated:

April 18, 2007

Respectfully submitted,

By

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